

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TANIELLE SHURNEY,)
)
Plaintiff,)
)
V.)
)
SCOTT ENTERPRISES, INC.;)
TROOPER SEAN PIERCE;)
JOHN DOE,)
)
Defendants.)

**Civil Action No. 05-196E
Judge Sean J. McLaughlin**

DEFENDANT PIERCE'S MOTION TO DISMISS

AND NOW, comes the Defendant, Trooper Sean Pierce, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Christian D. Bareford, Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully moves for the following:

1. The claims within the complaint against Trooper Sean Pierce should be dismissed pursuant to Fed.R.Civ.P. 12(b)(6) for failure to state a claim for which relief can be granted.
2. A brief in support of this motion is filed separately and incorporated by reference.

RELIEF REQUESTED

WHEREFORE, defendant Pierce respectfully requests Plaintiff's claims against defendant Pierce be dismissed.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

BY: \s\ Christian D. Bareford
CHRISTIAN D. BAREFORD
Deputy Attorney General
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